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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,930	07/21/2005	Youichirou Sugino	052805	9553
38834 7590 03/31/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HON, SOW FUN				
ART UNIT		PAPER NUMBER		
1794				
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03/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,930

Applicant(s)

SUGINO ET AL.

Examiner

SOPHIE HON

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 5/06/7/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 9-11, drawn to an adhesive comprising a crosslinking agent in the range of more than 30 parts by weight and 46 parts by weight or less relative to 100 parts by weight of a polyvinyl alcohol-based resin having an acetoacetyl group.

Group II, claim(s) 6-8, drawn to a method of making a polarizing plate comprising an adhesive comprising a crosslinking agent in the range of more than 30 parts by weight and 46 parts by weight or less relative to 100 parts by weight of a polyvinyl alcohol-based resin having an acetoacetyl group.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The technical feature that is common to both groups, namely the adhesive, is unpatentable over JP 07-134312 in view of JP 07-198945, and is therefore not inventive and hence is not special.

3. During a telephone conversation with Nicolas Seckel on March 20, 2008, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-5, 9-11.

Affirmation of this election must be made by applicant in replying to this Office action. Claims

6-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 1 recites “an adhesive for polarizing plate used in order to provide a transparent protective film on at least one surface of a polarizer”. While it is clear from the dependent claims that the adhesive is used to adhere the transparent protective film on at least one surface of the polarizer, said recitation makes it seem as though the adhesive is used as the transparent protective film itself. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JPO Website Machine English Translation of JP 07-134212) in view of Kitamura (JPO Website Machine English Translation of JP 07-198945).

Regarding claims 1-2, Matsumoto teaches an adhesive comprising glyoxal (abstract) which is a crosslinking agent, in an amount within the range of 2 to 50 parts by weight relative to 100 parts by weight of a polyvinyl alcohol-based resin (abstract), which contains the claimed range of more than 30 parts by weight and 46 parts by weight or less, wherein the adhesive is used to adhere a transparent protective film on at least one surface of a polarizer (protective film stuck to at least one side of a polarizing film through a PVA adhesive, abstract, excellent in optical transparency, as protective film, [0009]) to form a polarizing plate ([0016]). Matsumoto teaches that the polyvinyl alcohol-based resin has some acetyl groups (partial acetalization PVA, [0011]), but fails to teach the species of acetoacetyl group.

However, Kitamura teaches that acetoacetyl groups are the well known acetyl groups in partially acetylated polyvinyl alcohol-based resin adhesives, which provide the desired moisture resistance ([water resisting property, [0022]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used acetoacetyl groups as the species of acetyl groups in the polyvinyl alcohol-based resin adhesive of Matsumoto, in order to obtain an adhesive that has the desired moisture resistance, as taught by Kitamura.

Regarding claim 3, Matsumoto teaches that the polarizer is a polyvinyl alcohol-based polarizer (system, [0006]) and that the transparent protective film is a cellulose-based transparent protective film ([0009]).

Regarding claim 4, Matsumoto teaches a polarizing plate ([0006]) in which a transparent protective film ([0009]) is provided on at least one surface of a polarizer with an adhesive layer, wherein the adhesive layer is formed with the adhesive for polarizing plate (glue line, [0016]).

Regarding claim 5, Matsumoto teaches that a thickness of the adhesive layer is within the range of 5,000 nm or less (5 micrometers, [0015]), which contains the claimed range of from 1 to 1,000 nm.

Regarding claims 9-11, Matsumoto fails to teach an optical film comprising the polarizing plate, or an image display comprising the optical film or the polarizing plate itself.

However, Kitamura teaches that an image display comprises the polarizing plate (liquid crystal displaying body, [0029]), for the purpose of obtaining the desired polarized light. Furthermore, an optical film comprising the polarizing plate, such as a film laminate of an optical compensator with the polarizing plate, for the purpose of modifying the polarized light, is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have disposed the polarizing plate of Matsumoto in an image display, in order to provide the display with the desired polarized light, as taught by Kitamura, and to have provided an optical film comprising the polarizing plate in the display, in order to further modify the polarized light, such as with an optical compensator, as is well known in the art.

7. Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon/

Sow-Fun Hon

/Terrel Morris/
Supervisory Patent Examiner
Group Art Unit 1794